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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,098	11/10/2000	Daniel Lesieur	ADIR-339-PCT	1410

25666 7590 11/20/2003

THE FIRM OF HUESCHEN AND SAGE
500 COLUMBIA PLAZA
350 EAST MICHIGAN AVENUE
KALAMAZOO, MI 49007

EXAMINER

HABTE, KAHSAI

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,098

Applicant(s)

LESIEUR ET AL.

Examiner

Kahsay Habte, Ph. D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-83 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-2 (in part), 4-16 (in part), 20-22 (in part), 26-29 (in part), 44-45, 51-52, and 82-83 (in part), drawn to ring A = pyridofused to a 5-membered ring (B = pyridyl, Z = Y = C and X = O/S).

Group II, claim(s) 1-2 (in part), 4-16(in part), 20-22 (in part), 26-29 (in part), 38, 43, 50, 74 and 81-83 (in part), drawn to ring A = pyridofused to a 5-membered ring (B = pyridyl, Z = Y = C and X = N).

Group III, claim(s) 1-2 (in part), 4-16 (in part), 20-22 (in part), 26-29 (in part), 35-36, 40-41, 47-48, 71 (in part), 73 (in part) and 82-83 (in part), drawn to ring A = benzofused to a 5-membered ring (B = phenyl, Z = Y = C and X = O/S).

Group IV, claim(s) 1-2 (in part), 4-16 (in part), 20-22 (in part), 26-29 (in part), 37, 42, 49 and 82-83 (in part), drawn to ring A = indole (B = phenyl, Z = Y = C and X = N).

Group V, claim(s) 1 (in part), 3 (in part), 5-13 (in part), 17-19 (in part), 23-25 (in part), 30-33 (in part), 34, 39, 46, 53-70, 71 (in part), 72, 78 (in part) and 82-83 (in part), drawn to ring A = naphthalene.

Group VI, claim(s) 1 (in part), 3 (in part), 5-13 (in part), 17-19 (in part), 23-25 (in part), 30-33 (in part), 73 (in part), 75-77, 78 (in part), 79-80 (full) and 81-83 (in part), drawn to ring A = other rings (rings that don't fall in Groups I-V).

2. The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or

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corresponding special technical features for the following reasons: the special technical feature of Group I is pyridine ring fused to a 5-membered ring with one oxygen or sulfur and this special technical feature is not present in other Groups. The special technical feature of Group II is pyridine ring fused to a pyrrole or pyrrolidine ring and this special technical feature is not present in other Groups. The special technical feature of Group III is benzofused to a 5-membered ring with one oxygen or sulfur and this feature is not present in Groups I-II. The special technical feature of Group IV is indole or indoline ring and this feature is not present in Groups I-III. Group V is drawn to naphthalene ring and this technical feature is not present in Groups I-IV. The special technical feature of Group VI (e.g. tricyclic ring with one S, tricyclic ring with one N, cinnoline ring, isoquinolines, naphthyridine ring, etc.) and is different from the special technical features of Groups I-V.

3. In addition, applicants are required to elect a single disclosed species.

4. A telephone call was made to Mr. Patrick Sage on Nov. 10, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (703) 308-4717. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Kahsay Habte, Ph. D.
Examiner
Art Unit 1624


Mukund J. Shah
Supervisory Patent Examiner
Art Unit 1624

KH
November 18, 2003